



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/697,281

10/31/2003

Kazuo Okada

SHO-0055

8441

23353

7590

09/30/2008

RADER FISHMAN & GRAUER PLLC

LION BUILDING

1233 20TH STREET N.W., SUITE 501

WASHINGTON, DC 20036

EXAMINER

RENDON, CHRISTIAN E

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

09/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/697,281

**Applicant(s)**

OKADA, KAZUO

**Examiner**

CHRISTIAN E. RENDÓN

**Art Unit**

3714

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5.7 and 9-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5.7 and 9-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date 5/5/08

**DETAILED ACTION**  
***Response to Amendment***

The office action is a response to the amendment filed on 2/4/08 in which applicant amended claims 5, 10-11, 16-17, 21-22 & 26; responded to the claim rejections. Claims 5, 7 & 9-26 are still pending.

***Specification***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. In other words, "Gaming Machine" describes none of the applicant's limitations.

***Claim Rejections - 35 USC § 103***

**Claims 5, 7, 9-11, 13-17, 19-22 & 24-26 are rejected under 35 U.S.C. 102(a) as being unpatentable over Loose et al. (US 6,517,433 B2) in view of Weatherford et al. (US 4,206,920) & Yoseloff (US 6,299,170 B1).**

1. Loose discloses a slot machine comprising of multiple spinning reels & a video display (Loose: abstract). "The video display provides a video image superimposed on the reels" (Loose: col. 1, lines 46-47), therefore the display is in front of the reels (Loose: fig. 2a, 14a). The video image complements the reel symbols by interacting with the reels with graphics, special effects, thematic scenery, and instructional information (Loose: col. 1, lines 48-50). The superimposed image highlights the winning combination and its associated payline by providing an effect that flashes or illuminates the payline or a portion of the reel (Loose: col. 4, lines 4-10). Furthermore, the appearance of the video image is adjustable in terms of transparency, translucency, or opacity depending on the purpose of the image (Loose: col. 5, lines 24-27).
2. Regarding claim 5, 10, 15 and 32, the disclosed gaming device contain various components that are mechanical like reels and electrical like a display device that requires power to perform the novel and useful outcome that earned the inventor a patent. Therefore the system contains a power supply that provides energy to the reels or a display device and an image display unit (Loose: fig. 2a, 14a) independently is inherently disclosed by the prior art. However, in case the Applicant still wants to argue the obviousness of the reference, please refer to this combination and the rationale before

making any further arguments. Weatherford discloses the invention containing an emergency power supply comprising of relays used to ground a second energy source to provide current in the event of a power failure (Weatherford: col. 14, lines 27-36) or a blackout. Besides the loss of critical data, a sudden loss of power (blackout) can also create current spikes that can damage sensitive electrical components. Therefore an uninterruptible power system is a common design choice found in devices. A backup system also protects devices from brownout or a significant drop in voltage that can cause electric motors to malfunction.

3. Furthermore, the art combination is silent about the possible measures an engineer of ordinary skill could implement to further lessen the damage caused by a power failure. Yoseloff discloses saving image patterns in RAM in the event the main power supply shuts down (Yoseloff: col. 6, lines 8-12). In other words the invention disclosed by Yoseloff contains an image keeping device or RAM that detects an abnormal state (power failure). Therefore displaying a predetermined state or the last image is possible by using the data saved within the RAM and within the skill set of one having ordinary skill.

4. Regarding claims 7, 14, 19 and 24, the prior art discloses a display capable of showing a transparent image (Loose: col. 5, lines 24-27) in front a rotatable reel (Loose: fig. 2a).

5. Regarding claim 9, 13, 20 and 25, the image or video display (Loose: fig. 2a, 14a) is disclosed as a part of the upper portion of the gaming device (Loose: fig. 1).

6. Regarding claims 22 and 26, the above description of the prior art is considered within this art rejection as well. The gaming device includes lamps (Loose: col. 5, lines 36-38) and a video display that can adjust an image in terms of transparency, translucency, or opacity (Loose: col. 5, lines 24-27). Through the use of these two components the device is able to produce different lighting situations based on the gaming state and the different states are used to guarantee that a player will view an image clearly (Loose: col. 5, lines 26-27).

**Claims 12, 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loose in view of Weatherford, Yoseloff and in further view of Walker (US 2003/0224852 A1).**

7. The above description and limitations of the prior art combination of Loose, Weatherford and Yoseloff is considered within this art rejection as well. Loose discloses the use of the video image as a means to modify a printed symbol (Loose: col. 4, lines 58-60). The video display is able to depict many forms of animation (Loose: col. 5, lines 1-23), for example a blanking symbol morphing or transforming into another symbol (Loose: col. 4, line 66-67 and col. 5, line 1). In terms of computer animation, the morphing of an object implies animation depicting an object changing its form and size in order to become the second object. However the reference fails to specifically state the images may undergo an enlarging process.

8. Regarding claim 12, 18 and 23, Walker discloses image processing technology in a gaming system that can change the enlarged video feed or image of the player to see the player's excitement when he/she wins (Walker: par. 357, lines 11-16). Therefore one of ordinary skill could increase the excitement of the prior art by enlarging or magnifying a winning payline (Loose: fig. 6, 22c) through image processing technology.

***Response to Arguments***

9. Applicant's arguments filed 7/22/08 have been fully considered but they are not persuasive. The prior art combination discusses the necessary elements required to perform the task of detecting the difference between a normal/abnormal state (Yoseloff: col. 6, lines 8-12). A normal image is produced in response to the abnormal situation (Office Action, par 3), a condition considered by the Examiner to fall into the realm of predictable results. In other, its obvious to a designer to produce a normal image when an error is detected and that image could depict "out of order" or a game image.

10. Previously the Examiner responded stating, the prior art combination describes the abnormal situation as a power failure however the Examiner views defining an abnormal situation as mere design choice. In other words, saving an abnormal image versus saving a valid image during an

abnormal situation is the same since both situations are saving information that describes the scenario. The Examiner views this limitation of saving an abnormal image as a predictable result in light of the prior art combination.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTIAN E. RENDÓN whose telephone number is (571)272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CHRISTIAN E RENDÓN/  
Examiner  
Art Unit 3714

CER  
/XUAN M. THAI/  
Supervisory Patent Examiner, Art Unit 3714